

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

Page 1 of 3

**DOCKET NO.:** 2007-1498-PWS-E **TCEQ ID:** RN102322286 **CASE NO.:** 34624**RESPONDENT NAME:** David Zulejkic dba Buffalo Ridge Mobile Home Community

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Buffalo Ridge Mobile Home Community, 2120 South Burleson Boulevard, Johnson County</p> <p><b>TYPE OF OPERATION:</b> Public water supply</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on March 10, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b> <b>TCEQ Attorney/SEP Coordinator:</b> None <b>TCEQ Enforcement Coordinator:</b> Mr. Michael Meyer, Enforcement Division, Enforcement Team 7, MC 128, (512) 239-4492; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 <b>Respondent:</b> Mr. David Zulejkic, Owner, Buffalo Ridge Mobile Home Community, 2050 South Burleson Boulevard, Burleson, Texas 76028 <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

DOCKET NO.: 2007-1498-PWS-E

## VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> July 20, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> August 3, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine record review.</p> <p><b>WATER</b></p> <p>1) Failed to maintain three or less pressure tanks at any one time unless prior approval has been granted by the Executive Director. Specifically, the Respondent did not have approval from the Executive Director of the TCEQ for the ten pressure tanks at the Facility [30 TEX. ADMIN. CODE § 290.43(d)(9)].</p> <p>2) Failed to cover and design, fabricate, erect, test and disinfect in strict accordance with current American Water Works Association ("AWWA") standards, all facilities for potable water storage. The investigator documented six ground storage tanks which were not AWWA certified [30 TEX. ADMIN. CODE § 290.43(c)].</p> <p>3) Failed to provide a pressure tank capacity of 20 gallons per connection. Specifically, the system is required to provide a pressure tank capacity of 1,900 gallons based on the number of the system's connections. At the time of the records review, the system was providing a pressure tank capacity of 1,050 gallons, which is 45% deficient [30 TEX. ADMIN. CODE § 290.45(b)(1)(F)(iv)].</p> <p>4) Failed to have the public water system operated at all times under the direct supervision of a TCEQ licensed water works operator [30 TEX. ADMIN. CODE § 290.46(e)].</p>	<p><b>Total Assessed:</b> \$4,690</p> <p><b>Total Deferred:</b> \$938  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid (Due) to General Revenue:</b> \$342 (remaining \$3,410 due in 11 monthly payments of \$310 each)</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. Based on an investigation conducted by the DFW Regional Office on October 16, 2007, the drinking water system is operated at all times under the direct supervision of a TCEQ licensed water works operator and operating records are made accessible for review during inspections; and</p> <p>b. Based on a letter from the Public Drinking Water Section dated November 8, 2007, the TCEQ granted an exception of the AWWA certification requirements for the six existing ground storage tanks at the Facility.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 90 days after the effective date of this Agreed Order:</p> <p>i. Reduce the number of pressure tanks at the Facility to three or less or obtain approval from the Executive Director to have more than three pressure tanks on-site;</p> <p>ii. Provide a pressure tank capacity of 20 gallons per connection; and</p> <p>b. Within 105 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>

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5) Failed to have operating records accessible for review during inspection [30 TEX. ADMIN. CODE § 290.46(f)((2)].		
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Additional ID No(s): PWS Registration 1260106





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

**TCEQ**  
**DATES**

Assigned 6-Aug-2007  
PCW 13-Sep-2007

Screening 4-Sep-2007

EPA Due

## RESPONDENT/FACILITY INFORMATION

Respondent David Zulejkic dba Buffalo Ridge Mobile Home Community  
Reg. Ent. Ref. No. RN102322286  
Facility/Site Region Dallas/Fort Worth

Major/Minor Source Minor

## CASE INFORMATION

Enf./Case ID No. 34624  
Docket No. 2007-1498-PWS-E  
Media Program(s) Public Water Supply  
Multi-Media  
Admin. Penalty \$ Limit Minimum \$50 Maximum \$1,000

No. of Violations 5  
Order Type 1660  
Enf. Coordinator Michael Meyer  
EC's Team Enforcement Team 7

## Penalty Calculation Section

### TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$4,200

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 10% Enhancement Subtotals 2, 3, & 7 \$420

Notes Two NOV's for same or similar violations.

Culpability No 0% Enhancement

Subtotal 4 \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction

Subtotal 5 \$0

Before NOV NOV to EDPRP/Settlement Offer  
Extraordinary  
Ordinary  
N/A X (mark with x)

Notes The Respondent does not meet the good faith criteria.

Total EB Amounts \$133  
Approx. Cost of Compliance \$2,270  
0% Enhancement\*  
\*Capped at the Total EB \$ Amount

Subtotal 6 \$0

### SUM OF SUBTOTALS 1-7

Final Subtotal \$4,620

### OTHER FACTORS AS JUSTICE MAY REQUIRE

3.5%

Adjustment \$70

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes Recommend an adjustment to capture the avoided cost associated with Violation No. 4.

Final Penalty Amount \$4,690

### STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$4,690

### DEFERRAL

20%

Reduction Adjustment -\$938

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes Deferral offered for expedited settlement.

### PAYABLE PENALTY

\$3,752

Screening Date 4-Sep-2007

Docket No. 2007-1498-PWS-E

PCW

Respondent David Zulejkc dba Buffalo Ridge Mobile Home Communi

Policy Revision 2 (September 2002)

Case ID No. 34624

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102322286

Media [Statute] Public Water Supply

Enf. Coordinator Michael Meyer

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 10%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Two NOVs for same or similar violations.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 10%

<b>Screening Date</b> 4-Sep-2007		<b>Docket No.</b> 2007-1498-PWS-E		<b>PCW</b>	
<b>Respondent</b> David Zulejkic dba Buffalo Ridge Mobile Home Community		<i>Policy Revision 2 (September 2002)</i>			
<b>Case ID No.</b> 34624		<i>PCW Revision June 26, 2007</i>			
<b>Reg. Ent. Reference No.</b> RN102322286					
<b>Media [Statute]</b> Public Water Supply					
<b>Enf. Coordinator</b> Michael Meyer					
<b>Violation Number</b>	<input type="text" value="1"/>				
<b>Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 290.43(d)(9)"/>				
<b>Violation Description</b>	<div style="border: 1px solid black; padding: 5px;"> <p>Failed to maintain three or less pressure tanks at any one time unless prior approval has been granted by the Executive Director, as documented during a records review conducted on July 20, 2007. Specifically, the Respondent did not have approval from the Executive Director of the TCEQ for the ten pressure tanks at the Facility.</p> </div>				
<b>Base Penalty</b>					<input type="text" value="\$1,000"/>

  

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>	<b>Harm</b>					
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>		
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>		
	Potential	<input type="text"/>	x	<input type="text"/>	<b>Percent</b>	<input type="text" value="10%"/>

  

**>> Programmatic Matrix**

	<b>Falsification</b>				
	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>		
	<input type="text"/>	<input type="text"/>	<input type="text"/>		
				<b>Percent</b>	<input type="text" value="0%"/>

  

<b>Matrix Notes</b>	<div style="border: 1px solid black; padding: 5px;"> <p>Installing more than three pressure tanks at one location could result in unstable pressure and loss of tank integrity compromising the system's ability to supply water which could result in a significant amount of pollutants being distributed for human consumption which would not exceed levels protective of human health.</p> </div>
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<b>Adjustment</b>	<input type="text" value="\$900"/>
<input type="text" value="\$100"/>	

  

**Violation Events**

Number of Violation Events	<input type="text" value="1"/>		<input type="text" value="46"/>	Number of violation days
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<i>mark only one with an x</i>	daily	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	x	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	

  

<b>Violation Base Penalty</b>	<input type="text" value="\$100"/>
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One quarterly event is recommended from the July 20, 2007 records review to the September 4, 2007 screening date.

  

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	<input type="text" value="\$4"/>
	<b>Violation Final Penalty Total</b>
	<input type="text" value="\$112"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
<input type="text" value="\$112"/>	

**Economic Benefit Worksheet**

**Respondent** David Zulejkic dba Buffalo Ridge Mobile Home Community  
**Case ID No.** 34624  
**Reg. Ent. Reference No.** RN102322286  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	20-Jul-2007	30-Apr-2008	0.8	\$4	n/a	\$4

Notes for DELAYED costs

Estimated cost to submit a request and obtain a variance on the number of pressure tanks on-site. The Date Required is the July 20, 2007 records review and the Final Date is the projected compliance date.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$4



Screening Date 4-Sep-2007

Docket No. 2007-1498-PWS-E

PCW

Respondent David Zulejkic dba Buffalo Ridge Mobile Home Community

Policy Revision 2 (September 2002)

Case ID No. 34624

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102322286

Media [Statute] Public Water Supply

Enf. Coordinator Michael Meyer

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.43(c)

Violation Description

Failed to cover and design, fabricate, erect, test and disinfect in strict accordance with current American Water Works Association ("AWWA") standards, all facilities for potable water storage, as documented during a records review on July 20, 2007. The investigator documented six ground storage tanks which were not AWWA certified.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment could be exposed to a significant amount of pollutants which would exceed levels protective of human health as a result of the violation.

Adjustment \$750

\$250

## Violation Events

Number of Violation Events 12

46

Number of violation days

mark only one with an x	daily	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,000

Twelve monthly events (two monthly events for each ground storage tank) from the July 20, 2007 records review to the September 4, 2007 screening date.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$15

Violation Final Penalty Total \$3,350

This violation Final Assessed Penalty (adjusted for limits) \$3,350

**Economic Benefit Worksheet**

**Respondent** David Zulejkc dba Buffalo Ridge Mobile Home Community  
**Case ID No.** 34624  
**Reg. Ent. Reference No.** RN102322286  
**Media** Public Water Supply  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,000	20-Jul-2007	8-Nov-2007	0.3	\$15	n/a	\$15

Notes for DELAYED costs

Estimated cost to have the six ground storage tanks certified in accordance with AWWA standards. The Date Required is the July 20, 2007 records review and the Final Date is the compliance date.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$1,000****TOTAL** **\$15**

Screening Date 4-Sep-2007

Docket No. 2007-1498-PWS-E

PCW

Respondent David Zulejkic dba Buffalo Ridge Mobile Home Community

Policy Revision 2 (September 2002)

Case ID No. 34624

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102322286

Media [Statute] Public Water Supply

Enf. Coordinator Michael Meyer

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 290.45(b)(1)(F)(iv)

Violation Description

Failed to provide a pressure tank capacity of 20 gallons per connection, as documented during a records review conducted on July 20, 2007. Specifically, the system is required to provide a pressure tank capacity of 1,900 gallons based on the number of system's connections. At the time of the records review, the system was providing a pressure tank capacity of 1,050 gallons, which is 45% deficient.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Inadequate pressure tank capacity could result in low water pressure and backflow problems and may allow a significant amount of contaminants to enter the water supply.

Adjustment \$750

\$250

## Violation Events

Number of Violation Events 2

46 Number of violation days

mark only one with an x	daily	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$500

Two monthly events from the July 20, 2007 records review to the September 4, 2007 screening date.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$39

Violation Final Penalty Total \$558

This violation Final Assessed Penalty (adjusted for limits) \$558

**Economic Benefit Worksheet**

Respondent David Zulejkic dba Buffalo Ridge Mobile Home Community  
 Case ID No. 34624  
 Reg. Ent. Reference No. RN102322286  
 Media Public Water Supply  
 Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$					

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,000	20-Jul-2007	28-Apr-2008	0.8	\$39	n/a	\$39

Notes for DELAYED costs

Estimated cost to increase pressure capacity to meet the minimum requirement of 20 gallons per minute per connection. The Date Required is the July 20, 2007 records review and the Final Date is the projected compliance date.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal			0.0	\$0	\$0	\$0
Personnel			0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.0	\$0	\$0	\$0
Supplies/equipment			0.0	\$0	\$0	\$0
Financial Assurance [2]			0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.0	\$0	\$0	\$0
Other (as needed)			0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,000

TOTAL \$39

Screening Date 4-Sep-2007

Docket No. 2007-1498-PWS-E

PCW

Respondent David Zulejkic dba Buffalo Ridge Mobile Home Community

Policy Revision 2 (September 2002)

Case ID No. 34624

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102322286

Media [Statute] Public Water Supply

Enf. Coordinator Michael Meyer

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 290.46(e)

Violation Description

Failed to have the public water system operated at all times under the direct supervision of a TCEQ licensed water works operator, as documented during a records review conducted on July 20, 2007.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to operate the system under the direct supervision of an adequately trained and appropriately licensed water works operator may result in poor plant operation and expose the public to significant amounts of pollutants which would exceed levels protective of human health.

Adjustment \$750

\$250

## Violation Events

Number of Violation Events 2

46 Number of violation days

mark only one with an x	daily	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$500

Two monthly events from the July 20, 2007 records review to the September 4, 2007 screening date.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$74

Violation Final Penalty Total \$558

This violation Final Assessed Penalty (adjusted for limits) \$558

**Economic Benefit Worksheet**

**Respondent** David Zulejkic dba Buffalo Ridge Mobile Home Community  
**Case ID No.** 34624  
**Reg. Ent. Reference No.** RN102322286  
**Media** Public Water Supply  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Item Description</b> No commas or \$						

**Delayed Costs**

Equipment			0.0	\$0	\$0	\$0
Buildings			0.0	\$0	\$0	\$0
Other (as needed)			0.0	\$0	\$0	\$0
Engineering/construction			0.0	\$0	\$0	\$0
Land			0.0	\$0	n/a	\$0
Record Keeping System			0.0	\$0	n/a	\$0
Training/Sampling			0.0	\$0	n/a	\$0
Remediation/Disposal			0.0	\$0	n/a	\$0
Permit Costs			0.0	\$0	n/a	\$0
Other (as needed)			0.0	\$0	n/a	\$0

Notes for DELAYED costs

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal			0.0	\$0	\$0	\$0
Personnel			0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.0	\$0	\$0	\$0
Supplies/equipment			0.0	\$0	\$0	\$0
Financial Assurance [2]			0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.0	\$0	\$0	\$0
Other (as needed)	\$70	20-Jul-2007	16-Oct-2007	1.2	\$4	\$70

Notes for AVOIDED costs

Estimated cost to take a Class "D" Test. The Date Required is the July 20, 2007 records review and the Final Date is the date of compliance.

Approx. Cost of Compliance **\$70****TOTAL** **\$74**

Screening Date 4-Sep-2007

Docket No. 2007-1498-PWS-E

PCW

Respondent David Zulejkic dba Buffalo Ridge Mobile Home Community

Policy Revision 2 (September 2002)

Case ID No. 34624

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102322286

Media [Statute] Public Water Supply

Enf. Coordinator Michael Meyer

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code §290.46(f)(2)

Violation Description

Failed to have operating records accessible for review during inspection, as documented during a records review conducted on July 20, 2007.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100 percent of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

46 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$112

This violation Final Assessed Penalty (adjusted for limits) \$112

**Economic Benefit Worksheet**

**Respondent** David Zulejkc dba Buffalo Ridge Mobile Home Community  
**Case ID No.** 34624  
**Reg. Ent. Reference No.** RN102322286  
**Media** Public Water Supply  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$100	20-Jul-2007	16-Oct-2007	0.2	\$1	n/a	\$1
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost maintain operation logs and make logs accessible for inspection. The Date Required is the July 20, 2007 records review and the Final Date is the compliance date.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$1



# Compliance History

Customer/Respondent/Owner-Operator:	CN603242579	ZULEJKIC, DAVID	Classification:	Rating:
Regulated Entity:	RN102322286	BUFFALO RIDGE MOBILE HOME COMMUNITY	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION			1260106
Location:	2120 S BURLESON BLVD, JOHNSON COUNTY, TX, 76028			
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	October 01, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	September 25, 2002 to September 24, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	N/A	Phone:	N/A	

## Site Compliance History Components

- |  |                       |
|--|-----------------------|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes                   |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | Yes                   |
| 3. If Yes, who is the current owner?   | <u>David Zulejkic</u> |
| 4. If Yes, who was/were the prior owner(s)?  | <u>Helen Williams</u> |
| 5. When did the change(s) in ownership occur?  | 2/12/2003             |

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 12/03/2002 (13292)

N/A

2 06/13/2003 (62046)

3 04/25/2006 (461743)

4 08/03/2007 (568593)

- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 11/19/2002 (13292)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)[G]

Description: Failure by the regulated entity to be under the direct supervision of a certified water works operator at all times.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(9)

Description: Failure to maintain three or less pressure tanks at any one site, unless prior approval has been granted by the executive director.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)[G]

Description: Failure to cover and design, fabricate, erect, test and disinfect in strict accordance with current American Water Works Association (AWWA) standards, all facilities for potable water storage.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(p)(1)

Description: Failure by the regulated entity to submit a written notice of ownership change to the executive director at least 120 days before the date of the transaction.

Date: 04/26/2006 (461743)

Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(d)(9)		
Description:	Failure to maintain three or less pressure tanks at any one site, unless prior approval has been granted by the executive director.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(G)		
Description:	Failure to cover and design, fabricate, erect, test and disinfect in strict accordance with current American Water Works Association (AWWA) standards, all facilities for potable water storage.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)		
Description:	Failure to seal the wellhead or pump base with the use of gaskets or a pliable crack-resistant caulking compound.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(j)		
Description:	Failure to use ANSI / NSF certified sodium hypochlorite.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.45(b)(1)(F)(i) 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(F)(ii) 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(F)(iii) 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(F)(iv)		
Description:	Failure to provide a pressure tank capacity of 20 gallons per connection.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(e)		
Description:	Failure by a public water system to operate at all times under the direct supervision of a water works operator who holds an applicable, valid license issued by the executive director.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(i)		
Description:	Failure to provide a service agreement with provisions for proper enforcement to insure that neither cross-connections nor other unacceptable plumbing practices are permitted.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.121(a)		
Description:	Failure to develop and maintain an up to date system monitoring plan.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)		
Description:	Failure to provide a sanitary control easement or sanitary control easements covering land within 150 feet of the well or a copy of the recorded deed and map demonstrating that the public water system owns a portion of real property within 150 feet of the well.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(2)		
Description:	Failure to record the amount of water treated each day.		

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
DAVID ZULEJKIC DBA BUFFALO  
RIDGE MOBILE HOME  
COMMUNITY  
RN102322286**

§  
§  
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**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-1498-PWS-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding David Zulejkic dba Buffalo Ridge Mobile Home Community ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a public water supply at 2120 South Burleson Boulevard in Johnson County, Texas (the "Facility") that has approximately 95 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
3. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 8, 2007.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Four Thousand Six Hundred Ninety Dollars (\$4,690) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Hundred Forty-Two Dollars (\$342) of the administrative penalty and Nine Hundred Thirty-Eight Dollars (\$938) is deferred contingent upon



the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the penalty payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Three Thousand Four Hundred Ten Dollars (\$3,410) of the administrative penalty shall be payable in 11 monthly payments of Three Hundred Ten Dollars (\$310) each. The next payment monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. Based on an investigation conducted by the Dallas/Fort Worth Regional Office on October 16, 2007, the drinking water system is operated at all times under the direct supervision of a TCEQ licensed water works operator and operating records are made accessible for review during inspections; and
  - b. Based on a letter from the Public Drinking Water Section dated November 8, 2007, the TCEQ granted an exception of the American Water Works Association ("AWWA") certification requirements for the six existing ground storage tanks at the Facility.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.



## **II. ALLEGATIONS**

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to maintain three or less pressure tanks at any one time unless prior approval has been granted by the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.43(d)(9), as documented during a records review conducted on July 20, 2007. Specifically, the Respondent did not have approval from the Executive Director of the TCEQ for the ten pressure tanks at the Facility.
2. Failed to cover and design, fabricate, erect, test and disinfect in strict accordance with current AWWA standards, all facilities for potable water storage, in violation of 30 TEX. ADMIN. CODE § 290.43(c), as documented during a records review conducted on July 20, 2007. The investigator documented six ground storage tanks which were not AWWA certified.
3. Failed to provide a pressure tank capacity of 20 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(F)(iv), as documented during a records review conducted on July 20, 2007. Specifically, the system is required to provide a pressure tank capacity of 1,900 gallons based on the number of the system's connections. At the time of the records review, the system was providing a pressure tank capacity of 1,050 gallons, which is 45% deficient.
4. Failed to have the public water system operated at all times under the direct supervision of a TCEQ licensed water works operator, in violation of 30 TEX. ADMIN. CODE § 290.46(e), as documented during a records review conducted on July 20, 2007.
5. Failed to have operating records accessible for review during inspection, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), as documented during a records review conducted on July 20, 2007.

## **III. DENIALS**

The Respondent generally denies each allegation in Section II ("Allegations").

## **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: David Zulejkic dba Buffalo Ridge Mobile Home Community, Docket No. 2007-1498-PWS-E" to:





Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:

- a. Within 90 days after the effective date of this Agreed Order:
  - i) Reduce the number of pressure tanks at the Facility to three or less or obtain approval from the Executive Director to have more than three pressure tanks on-site, in accordance with 30 TEX. ADMIN. CODE § 290.43;
  - ii) Provide a pressure tank capacity of 20 gallons per connection, as required under 30 TEX. ADMIN. CODE § 290.45; and,
- b. Within 105 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

With a copy to:

Water Section Manager  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2309 Gravel Dr.  
Fort Worth, Texas 76118-6951



3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

3/26/2008  
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

 12-27-007  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

David Zulejkic dba Buffalo Ridge mhc  
\_\_\_\_\_  
Name (Printed or typed)

Owner / Partner  
\_\_\_\_\_  
Title

Authorized Representative of

David Zulejkic dba Buffalo Ridge Mobile Home Community

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

